

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**In Re:**

**DOW CORNING CORPORATION,**

**Debtor.**

**HON. DENISE PAGE HOOD**

<b>Case Nos.</b>	<b>99-CV-75380-DT</b>
	<b>99-CV-75799-DT</b>
	<b>99-CV-75922-DT</b>
	<b>99-CV-75923-DT</b>
	<b>99-CV-75924-DT</b>
	<b>99-CV-75925-DT</b>
	<b>99-CV-75927-DT</b>
	<b>99-CV-75929-DT</b>
	<b>99-CV-75930-DT</b>
	<b>99-CV-75958-DT</b>
	<b>99-CV-75959-DT</b>
	<b>99-CV-75960-DT</b>
	<b>99-CV-76007-DT</b>
	<b>99-CV-76008-DT</b>
	<b>99-CV-76009-DT</b>
	<b>99-CV-76063-DT</b>
	<b>99-CV-76214-DT</b>
	<b>99-CV-76215-DT</b>
	<b>00-CV-70029-DT</b>
	<b>00-CV-70076-DT</b>
	<b>00-CV-70176-DT</b>
	<b>00-CV-70177-DT</b>
	<b>00-CV-70178-DT</b>
	<b>00-CV-70179-DT</b>

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**ORDER SETTING PROCEDURE FOR ORAL ARGUMENT**

**INTRODUCTION**

This matter is before the Court on Motions filed by the Plan Proponents, the United States and other appellants, to establish a procedure for oral argument on various appeals and other motions

filed by the parties set for hearing on April 12 and 13, 2000. Responses have been filed. The Court, having reviewed the various proposals, sets forth the following procedure for the oral argument:

**WEDNESDAY, April 12, 2000 (10:00 a.m.)**

Opening of Court  
Appearances  
Preliminary Matters

**I. Appeals from the Good Faith, Classification and Treatment of Domestic Claims**

**TOTAL TIME: 190 Minutes**

- A. Appellants' Argument (100 minutes)
  - 1. United States, Case No. 99-CV-75799-DT (25 minutes)
  - 2. Rita Altig, et al., Case No. 00-CV-70076 (15 minutes)
  - 3. Jacobs, Case No. 99-75960 (15 minutes)
  - 4. Schroeder and Hustead, Case Nos. 99-CV-75958 and Case No. 99-CV-76008 (20 minutes)
  - 5. Shiseido, Case No. 99-CV-76007 (10 minutes)
  - 6. Nevada Claimants, Case No. 99-CV-75924 (15 minutes)
- B. Appellees' Argument (90 minutes)
- C. Appellants' Rebuttal (Only to the extent that time was reserved and not used)

**II. Appeals With Respect to Release/Injunction Provisions**

**TOTAL TIME: 300 minutes**

- A. Appellants' (Plan Opponents) Argument (115 minutes)
  - 1. Nevada Claimants, Case No. 99-CV-75924 (60 minutes)
  - 2. Janet Lacy, et al., Case No. 99-CV-75925 (including Jama Russano (5 minutes), if permitted by Lacy counsel) (15 minutes)

3. Pennsylvania Steering Committee, Case No. 99-CV-76063 (30 minutes)
  4. Jacobs, Case No. 99-CV-75960 (5 minutes)
  5. Schroeder, Case No. 99-CV-75958 (5 minutes)
- B. Appellee/Appellants' Argument by Plan Proponents, Shareholders and Insurance Companies (150 minutes)
1. Appellee's Argument in Response
  2. Appellants' Argument, Case Nos. 99-CV-76214, 99-CV-76215, 00-CV-70029, 00-CV-70176, 00-CV-70177
- C. Appellees' Argument in Response to Case Nos. 99-CV-76214, 99-CV-76215, 00-CV-70029, 00-CV-70176, 00-CV-70177 (35 minutes)
1. United States (15 minutes)
  2. Other Appellees' Arguments in Response (20 minutes)
- D. Appellants' Rebuttal (Plan Opponents) (Only to the extent that time was reserved and not used)
- E. Appellee/Appellants' Rebuttal (Plan Proponents, Shareholders and Insurance Companies) (Only to the extent that time was reserved and not used)

**THURSDAY, April 13, 2000 (9:00 a.m.)**

**I. Appeals from the Classification and Treatment of Foreign Claims**

**TOTAL TIME: 150 minutes**

- A. Appellants' Argument (75 minutes)
1. Shainwald Foreign Claimants, Case No. 99-CV-75929
  2. Australian Tort Claimants, Case No. 99-CV-75927
  3. New Zealand Claimants, Case No. 99-CV-75923
- B. Appellees' Argument (75 minutes)

- C. Appellants' Rebuttal (Only to the extent that time was reserved and not used)

## **II. Appeals from Allowance of Claims in the Litigation Facility**

**TOTAL TIME: 90 minutes**

- A. Appellants' Argument (45 minutes)
  - 1. Physicians Committee, Case No. 99-CV-75930 (30 minutes)
  - 2. Hampton Physicians, Case No. 99-CV-75922 (15 minutes)
- B. Appellees' Argument (45 minutes)
- C. Appellants' Rebuttal (Only to the extent that time was reserved and not used)

## **III. Arguments on Motion to Vacate/Withdraw Reference**

**TOTAL TIME: 30 minutes**

- A. Movants/Plan Proponents (15 minutes)
- B. Parties' Opposing Motions (15 minutes)
- C. Movants' Rebuttal (Only to the extent that time was reserved and not used)

## **IV. Motion to Dismiss Appeals from December 21 Opinion**

**TOTAL TIME: 30 minutes**

- A. Movants/United States (15 minutes)
- B. Plan Proponents (15 minutes)
- C. Movants' Rebuttal (Only to the extent that time was reserved and not used)

## **V. Denial of the Motion to Compel Appeal**

**TOTAL TIME: 60 minutes**

- A. Motion to Dismiss Appeal, Case No. 99-CV-75380 (30 minutes)
  - 1. Movants (15 minutes)

2. United States (15 minutes)
  3. Movants' Rebuttal (Only to the extent that time was reserved and not used)
- B. Merits of Appeal (30 minutes)
1. Appellants' Argument (United States), Case No. 99-CV-75380 (15 minutes)
  2. Appellees' Argument (15 minutes)
  3. Appellants' Rebuttal (Only to the extent that time was reserved and not used)

#### **VI. The Proposed Case Management Order**

**TOTAL TIME: 60 minutes**

- A. Plan Proponents (30 minutes)
- B. Plan Opponents (30 minutes)
- C. Plan Proponents' Rebuttal (Only to the extent that time was reserved and not used)

#### **COORDINATION AMONG SIMILARLY SITUATED PARTIES**

The parties are grouped together for the purposes of oral argument shall consult among themselves prior to oral argument to ensure that the general allocations made are accurate and notify the Court of changes made in the allocations within the time allowed. Parties should attempt to coordinate their presentations to avoid needless duplication of arguments. No later than 9:30 a.m. on April 12, 2000, each Appellant and Appellee will present the Court with a single list of the individuals who will be making presentations, the issues they will be addressing (identified by reference to the headings in this Order), the parties on whose behalf they will speak, and the time allocated to them.

The Court reserves the right to change the schedule accordingly.

IT IS SO ORDERED.

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DENISE PAGE HOOD

DATED: April 7, 2000